

To the Members of the California State Assembly:

I am returning Assembly Bill 2308 without my signature.

This bill is unnecessary, as current law already requires that, where a job applicant lacks a diploma but believes that he or she can perform the essential duties of a position, he or she may ask for a waiver of the diploma requirement as a reasonable accommodation of his or her disability. California promotes employment of persons with disabilities and in April 2008, my Administration established an open state-wide classification for individuals with disabilities. The classification does not require a high school diploma. The state Department of Developmental Services is offering all state departments the use of this list to facilitate the employment of persons with developmental and other intellectual disabilities. I strongly support efforts to offer employment to this population and believe we can continue to demonstrate progress in this area.

Departments are best suited to engage in the first-line of review of possible accommodation requests by applicants. The State Personnel Board, in turn, is designed to serve as an appellate body. This bill would put the Board in the inappropriate role of making both the initial determination and appellate review of the matter.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger